

Writer's Direct Dial:

JENNIFER A. WILLIAMS
212-453-5949
JWilliams@fordharrison.com

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The Honorable Judge Locke
Magistrate Judge
United States District Court, Eastern District
100 Federal Plaza
Central Islip, NY 11722

Re: *Shenithia Cowell v. Utopia Home Care, Inc.*
Case No. 14-CV-736 (LDW)(SIL)

Dear Magistrate Judge Locke:

Pursuant to *Cheeks v. Freeport Pancake House*, 796 F.3d 199 (2d Cir. 2015), the parties hereby submit executed copies of the settlement agreements in this action, as well as a stipulation of dismissal with prejudice. As you may recall, the parties in this matter disputed whether or not defendant was entitled to the "20 percent" overtime exemption under the FLSA for companionship services. The parties believe the amounts received by plaintiff Cowell and the three opt-in plaintiffs represent a fair and reasonable settlement of the issues of this case. First, the settlement was reached after defendant provided time records for plaintiff and the three opt-in plaintiffs, who all worked varying amounts of overtime. Second, in reaching the settlement agreement, both parties recognized the uncertainty of the pending appeal of plaintiff's motion for conditional certification.

If the Court requires additional information, the parties are prepared to participate in a telephonic fairness hearing.

Respectfully submitted



JENNIFER A. WILLIAMS

JAW/jb